

**IN THE CLAIMS**

Please amend the claims as follows:

1. (Currently amended) A stapler comprising:

a striking mechanism portion;

a movable clincher for ~~folding to bend~~ bending staple legs ~~penetrated through a bundle of sheets to be bound of a staple struck out from~~ that have been inserted into a stack of sheets being stapled by the striking mechanism portion along a back face of the stack of sheets being stapled ~~bundle of sheets to be bound~~ by being pivoted from a standby position to an operating position; and

a cutter unit,

wherein the cutter unit comprises a fixed cutter and a movable cutter,

the cutter unit is arranged slidably between a position advanced into an operation region of the movable clincher opposed to a staple strike out portion of the striking mechanism and a position ~~escaped~~ removed from the operation region of the movable clincher,

when the movable clincher is pivoted to the standby position, the cutter unit advances to the operation region of the movable clincher to cut the staple ~~leg penetrated through the sheet to be bound~~ legs inserted into the stack of sheets being stapled, and

after ~~escaping~~ removing the cutter unit from the operation region of the movable clincher, the movable clincher is pivoted to the operating position to bend the cut staple legs ~~leg cut by a predetermined length along the sheet to be bound~~.

2. (Currently amended) The stapler according to Claim 1, wherein when the cutter unit

advances to the operation region of the movable clincher, the fixed cutter is positioned between the staple legs ~~penetrated through the sheet to be bound~~ inserted into the stack of sheets being stapled and the movable cutter is operated from an outer side to an inner side of the staple legs relative to the fixed cutter to cut the staple legs.

3. (Currently amended) The stapler according to Claim 1, further comprising:  
an opening formed at the cutter unit; and  
a chute arranged on a ~~side of~~ a lower side of the cutter unit,  
wherein ~~a cutting chip~~ staple chips formed by cutting of the staple legs ~~is~~ are discharged to a side of a lower face of the cutter unit by way of the opening at a position at which the cutter unit is ~~escaped~~ removed from the operation region of the movable clincher and ~~is~~ are guided into a chip containing portion by way of the chute.

4. (Currently amended) The stapler according to Claim 3, wherein the chute comprises:  
a first end portion arranged on the side of the lower face of the cutter unit and comprising a pivotably supporting portion for pivotably supporting the chute; and  
a second end portion arranged in the chip containing portion,  
wherein the pivotably supporting portion is moved to an upper side such that an inclination angle of the chute is increased by ~~operating to pivot~~ pivoting the clincher.